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NOTES OF CASES.

Health Ordinance—Liability of Inspector for Condemnation of Sound Food—Ordinances of the City of Richmond.—The city of Richmond has an ordinance requiring the food inspector to condemn and destroy such food, fish or fowl, etc., as in his opinion is "unwholesome and unfit for human food." In the case of *Evans & Sharp v. Kelly* (Food Inspector), the hustings court of Richmond decided that where food is condemned without notice to the owner and opportunity to be heard, there is a personal liability on the officer condemning the food if the food is actually sound, and that the burden of proof is on the inspector to show that the food was unwholesome, etc. The opinion of the court was founded on the case of *Miller v. Horton*, 152 Mass. 540, 26 N. E. 100, 23 Am. St. Ry. 850, in which Justice Holmes (now of the United States supreme court), in delivering the opinion of the court, held that the legislature may authorize the destruction of such property without a hearing beforehand and without compensation to the owner, but that the decision of ex parte officers can not deprive the owner of a right to be heard in a suit against the officers, and that if the owner on such hearing proves that the property was not in fact a nuisance, the owner has a right of recovery against the officer. This case is followed by the supreme court of Illinois in the case of *Pearson v. Zehr*, 138 Ill. 48, 29 N. E. 854, 32 Am. St. Rep. 113, where it was decided that the fact that the officers acted in good faith, exercising his best judgment after careful investigation and examination, did not relieve him from personal liability, and that to permit officers to determine ex parte that property must be condemned and destroyed without imposing on the officer the burden of establishing affirmatively that public welfare required such condemnation and destruction, would be a palpable violation of the constitutional provision that no person shall be deprived of property without due process of law. To the same effect is *Freund on Police Power*, in which it is said that the rightfulness of the destruction of the property presupposes that the condition of the property is as a matter of fact harmful or objectionable, and that the ex parte finding of the officers does not determine the fact conclusively against the owner. "If he can not get a hearing in advance, he must get it afterwards; that is, he has a right to bring an action for the destruction of his property and the authorities who are sued must justify their act." Sec. 521.

Negotiable Instruments—Va. Code, 1904, § 2841a.—The supreme court of Tennessee in the recent case of *Ford v. Brown*, 1 L. R. A. (N. S.) 188, decided that under the negotiable instruments act, which is the same in Virginia as in Tennessee, a purchaser of an interest bearing certificate of deposit, payable to and endorsed by one as trustee, is prima facie and presumptively charged with actual knowl-